

HOUSE BILL 464

Introduced by Cromley

1/30	Introduced
1/30	Referred to Judiciary
1/30	First Reading
2/11	Hearing
2/11	Tabled in Committee

1 HOUSE BILL NO. 464  
2 INTRODUCED BY Rowley

3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR THE  
5 ELECTION OF CITY AND MUNICIPAL JUDGES AT THE STATE GENERAL  
6 ELECTION; PROVIDING FOR AN EXTENSION OF A JUDGE'S TERM OF  
7 OFFICE UNTIL THE NEXT STATE GENERAL ELECTION; AMENDING  
8 SECTIONS 3-6-201, 7-3-4462, AND 13-1-104, MCA; AND PROVIDING  
9 AN IMMEDIATE EFFECTIVE DATE."

10  
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 **Section 1.** Section 3-6-201, MCA, is amended to read:

13 "3-6-201. Election -- term of office. (1) One judge of  
14 each municipal court shall must be elected at the state  
15 general city election. The judge's term shall--commence  
16 commences on the first Monday in January following the  
17 election. The judge shall hold office for the term of 4  
18 years and until his successor is elected and qualified.

19 (2) All elections of municipal judges are governed by  
20 the laws applicable to the election of nonpartisan city  
21 officials."

22 **Section 2.** Section 7-3-4462, MCA, is amended to read:

23 "7-3-4462. Office of city judge. (1) In each  
24 municipality having a commission-manager form of government,  
25 a city judge shall must be elected every 4 years in a

1 nonpartisan election held in conjunction with the regularly  
2 scheduled ~~municipal~~ state general election. The city judge  
3 shall hold office for a term of 4 years and until his  
4 successor is elected and qualified.

5 (2) The qualifications to hold the office of city judge  
6 shall must be set by ordinance by the commission. The  
7 ordinance shall must be consistent with any rules adopted by  
8 the Montana supreme court on city judge qualifications.

9 (3) If a vacancy occurs in the office of city judge,  
10 the commission shall appoint a qualified individual to serve  
11 for the remainder of the term."

12 **Section 3.** Section 13-1-104, MCA, is amended to read:

13 "13-1-104. Times for holding general elections. (1) A  
14 general election shall must be held throughout the state in  
15 every even-numbered year on the first Tuesday after the  
16 first Monday of November to vote on ballot issues required  
17 by Article III, section 6, or Article XIV, section 8, of the  
18 Montana constitution to be submitted by the legislature to  
19 the electors at a general election, unless an earlier date  
20 is provided in a law authorizing a special election on an  
21 initiative or referendum pursuant to Article III, section 6,  
22 and to elect federal officers, state or multicounty district  
23 officers, members of the legislature, judges of the district  
24 court, local judicial officers, and county officers when the  
25 terms of such the offices will expire before the next



1 scheduled election for the offices or when one of the  
2 offices must be filled for an unexpired term as provided by  
3 law.

4 (2) A general election ~~shall~~ must be held throughout  
5 the state in every odd-numbered year on the first Tuesday  
6 after the first Monday in November to elect municipal  
7 officers other than judges, officers of political  
8 subdivisions wholly within one county and not required to  
9 hold annual elections, and any other officers specified by  
10 law for election in odd-numbered years when the term for the  
11 offices will expire before the next scheduled election for  
12 the offices or when one of the offices must be filled for an  
13 unexpired term as provided by law.

14 (3) The general election for any political subdivision,  
15 other than a municipality, required to hold elections  
16 annually ~~shall~~ must be held on school election day, the  
17 first Tuesday of April of each year, and is subject to the  
18 election procedures provided for in 13-1-401.

19 (4) The general election for a municipality required to  
20 hold elections annually may be held either on school  
21 election day as provided in subsection (3) or on the first  
22 Tuesday after the first Monday in November, at the  
23 discretion of the governing body."

24 NEW SECTION. Section 4. Transition. A municipal or  
25 city judge shall hold office until a successor is elected at

1 the state general election in the even-numbered year  
2 following the time when the judge's term would have expired.  
3 NEW SECTION. Section 5. Effective date. [This act] is  
4 effective on passage and approval.

-End-